

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASIA

UNITED STATES OF AMERICA,)	
)	CASE NO. 8:13CR00108
Plaintiff,)	
)	MOTION TO SUPPRESS
vs.)	EVIDENCE RESULTING FROM
)	SEARCH OF “ACTIVATING”
KIRK COTTOM,)	COMPUTER AND APPLICATION
)	OF WONG SUN DOCTRINE
Defendant.)	

Comes now the Defendant, Kirk Cottom, by his court appointed counsel, Joseph F. Gross, Jr. and by filing this motion pursuant to Rule 12(b)(3)(C) seeks suppression of all evidence resulting from the search warrant, “In the Matter of Search of Computers that access the website “Hidden Service B” located at s7cgvirt5wvojli5.onion.”

The basis for the motion is the failure of the government to comply with Title 18 U.S.C. §3103a(b)(3). Specifically, while the warrant authorized a 30 day delay in the notice required under Rule 41(f)(1)(C), the government failed to provide notice to Mr. Cottom of its November 19, 2012 search of Cottom’s home and seizure of information from his computer.

As a second basis, also related to the execution of the warrant, the government failed to comply with Rule 41(f)(1)(D) by failing to return an inventory of the seized information.

KIRK COTTOM, Defendant

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CERTIFICATE OF SERVICE

I, Joseph F. Gross, Jr., hereby certify that a copy of the foregoing Motion to Suppress Evidence Resulting from Search of “Activating” Computer and Application of Wong Sun Doctrine was served on the parties on August 29, 2013 via the Court’s ECF system:

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